

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRETT DAVID RADCLIFF,
Defendant.

NO. CR21-108-RSM

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Brett David Radcliff's interest in the following property (collectively, the "Subject Property"):

1. One Ruger 57 5.7x28 caliber handgun bearing serial number 642-03975 and any associated ammunition, seized on or about June 30, 2021, from Defendant's residence in Puyallup, Washington;
2. One Glock 20 10mm pistol, bearing serial number BMTF458, and any associated magazines and ammunition, seized on or about June 30, 2021, from Defendant's residence in Puyallup, Washington;

1 3. One AR-15 type rifle: a DPMS Panther A-15 5.56 caliber rifle, bearing
2 serial number FFH264877, and any associated magazines and ammunition,
3 seized on or about June 30, 2021, from Defendant's residence in Puyallup,
4 Washington; and
5 4. \$45,790 in United States currency seized on or about June 30, 2021, from
6 Defendant's residence in Puyallup, Washington.

7 The Court, having reviewed the United States' Motion, as well as the other papers
8 and pleadings filed in this matter, hereby FINDS that entry of a Preliminary Order of
9 Forfeiture is appropriate because:

10 • The above-identified Subject Property is forfeitable pursuant to 21 U.S.C.
11 § 853(a), as property that was used to commit or to facilitate the Defendant's
12 commission of Conspiracy to Distribute Controlled Substances, in violation
13 of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846, or was proceeds the Defendant
14 obtained, directly or indirectly, as the result of the offense; and,
15 • Pursuant to the Plea Agreement he entered on November 21, 2022, the
16 Defendant agreed to forfeit the above-identified Subject Property pursuant to
17 21 U.S.C. § 853(a). Dkt. No. 355, ¶ 8(e), 12.

18 NOW, THEREFORE, THE COURT ORDERS:

19 1. Pursuant to 21 U.S.C. § 853(a), and his Plea Agreement, the Defendant's
20 interest in the above-identified Subject Property is fully and finally forfeited, in its
21 entirety, to the United States;

22 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
23 be final as to the Defendant at the time he is sentenced, it will be made part of the
24 sentence, and it will be included in the judgment;

25 3. The United States Department of Justice, the Federal Bureau of
26 Investigation, and/or their authorized agents or representatives, shall maintain the above-
27 identified property in its custody and control until further order of this Court;

4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website—www.forfeiture.gov—for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall also, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the above identified property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues presented by that petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and

1 7. The Court will retain jurisdiction for the purpose of enforcing this
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
4 Fed. R. Crim. P. 32.2(e).

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6 IT IS SO ORDERED.

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8 DATED this 3rd day of January, 2023.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE

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15 Presented by:

16

17 s/Krista K. Bush

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